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## ARTICLE 2.0000 AIR POLLUTION CONTROL REGULATIONS AND PROCEDURES

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## SECTION 2.0600 MONITORING: RECORDKEEPING: REPORTING

### 2.0601 PURPOSE AND SCOPE

(a) The purpose of this Section is to set forth the requirements of the Director for monitoring air pollution emissions and filing reports covering their discharge into the outdoor atmosphere of the County.

(b) This Section shall apply to all persons subject to the provisions of this Ordinance.

(c) Monitoring, recordkeeping, and reporting may also be required by other Regulations including MCAPCO Regulations 2.0524 - "New Source Performance Standards", 2.1110 - "National Emission Standards for Hazardous Air Pollutants, or 2.1111 - "Maximum Achievable Control Technology".

*History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a Period of 180 Days or Until the Permanent Rule is Effective, whichever is sooner;*  
*Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66;*  
*143-215.107(a)(4);*  
*Eff. February 1, 1976;*  
*Amended Eff. April 1, 1999; July 1, 1996; July 1, 1994; July*  
*1, 1984; June 18, 1976.*

### 2.0602 DEFINITIONS

For the purpose of this Section, the following definitions apply:

- (1) **"Applicable requirement"** means any Regulation, standard, or requirement of this Ordinance, or Article 21 of the North Carolina General Statutes.
- (2) **"Calendar quarter"** means:
  - (A) the time period from January 1 through March 31;
  - (B) the time period from April 1 through June 30;
  - (C) the time period from July 1 through September 30; or
  - (D) the time period from October 1 through December 31.
- (3) **"Capacity factor"** means the ratio of the average load on a machine or equipment for the time period considered to the capacity rating of the machine or equipment.
- (4) **"Distillate oils"** means fuel oil, including recycled oil, that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D-396, "Standard Specification for Fuel Oils".
- (5) **"Emission standard"** means a Regulation setting forth an allowable rate of emissions, level of opacity, or prescribing equipment, fuel specifications, workplace standards, or material usage that result in control of air pollution emissions.
- (6) **"Excess emissions"** means emissions of an air pollutant in excess of an emission standard.
- (7) **"Fossil fuel-fired steam generator"** means a furnace or boiler used in the process of

- burning fossil fuel for the primary purpose of producing steam by heat transfer.
- (8) **“Nitric acid plant”** means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.
  - (9) **“Permit condition”** means:
    - (A) a condition set to comply with or to avoid any applicable requirement; or
    - (B) a condition set to maintain compliance with toxic air pollutant acceptable ambient levels or ambient air quality standards.
  - (10) **“Petroleum refinery”** means any facility engaged in producing gasoline, kerosene, distillate oils, residual oils, lubricants, or other products through the distillation of petroleum, or through the redistillation, cracking, or reforming of unfinished petroleum derivatives.
  - (11) **“Residual oils”** means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, or all fuel oil numbers 4, 5, and 6, as defined by the American Society for Testing and Materials in ASTM D-396, “Standard Specification for Fuel Oils”.
  - (12) **“Sulfuric acid plant”** means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66;  
143-215.107(a)(4);  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; July 1, 1984; June 18, 1976.

## **2.0603 SOURCES COVERED BY NATIONAL STANDARDS (REPEALED BY STATE PRIOR TO LOCAL ADOPTION)**

### **2.0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS**

(a) Unless a specific Regulation specifies otherwise, the owner or operator of a source shall not be required to monitor during a period of monitoring system malfunction or report emissions during a period of monitoring system malfunction if the owner or operator of the source shows, to the satisfaction of the Director, that the malfunction was unavoidable, is being repaired as expeditiously as practicable, and no applicable requirements are violated. The owner or operator of the source shall provide the Director documentation of continuous monitoring system performance when system repairs or adjustments have been made if the Director requests proof. Malfunctions of the monitoring system that result from inadequate or poor operation and maintenance practices shall not be exempted.

(b) The owner or operator of a source that operates less than 30 days per 12-month period shall not be required to monitor emissions from that source. However, the owner or operator shall maintain records to document that the source is operated less than 30 days per 12-month period.

(c) The owner or operator of a source exempted from needing a permit by MCAPCO Regulation 1.5211 - "Applicability" shall not be required to monitor emissions from that source unless;

- (1) required by a specific MCAPCO Regulation, or
- (2) required as a part of an enforcement settlement.

However, the owner or operator shall maintain records to document that the source qualifies for the permit exemption.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4); Eff. February 1, 1976; Amended Eff. April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984; June 18, 1976.*

## **2.0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS**

(a) The owner or operator of a source subject to a requirement of this Ordinance, except for MCAPCO Section 1.5700 - "Toxic Air Pollutant Procedures", shall maintain:

- (1) records detailing all malfunctions under MCAPCO Regulation 2.0535 - "Excess Emissions Reporting and Malfunctions",
- (2) records of all testing conducted under Regulations in MCAPCO Article 2.0000 - "Air Pollution Control Regulations and Procedures",
- (3) records of all monitoring conducted under Regulations in this Ordinance,
- (4) records detailing activities relating to any compliance schedule in MCAPCO Article 2.0000 - "Air Pollution Control Regulations and Procedures", and
- (5) for unpermitted sources, records necessary to determine compliance with Regulations of this Ordinance, except for MCAPCO Section 1.5700 - "Toxic Air Pollutant Procedures".

(b) The Director shall specify in the facility's permit:

- (1) the type of monitoring required and the frequency of the monitoring,
- (2) the type of records to be maintained, and
- (3) the type of reports to be submitted and the frequency of submitting these reports,

as necessary to determine compliance with Regulations in this Ordinance, or with an emission standard or permit condition.

(c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any facility subject to the requirements of this Ordinance, submit to the Director any information necessary to determine the compliance status of the source.

(d) The owner or operator of a source of excess emissions which last for more than four hours and which results from a malfunction, a breakdown of process or control equipment, or any other

abnormal conditions shall report excess emissions in accordance with the requirements of MCAPCO Regulation 2.0535 - "Excess Emissions Reporting and Malfunctions".

(e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the owner or operator for a period of two years after the date on which the record was made or the report submitted, except that the Director may extend the retention period in particular instances when necessary to comply with other Department or federal requirements or when compliance with a particular standard requires documentation for more than two years.

(f) All records and reports generated in response to the requirements of this Section shall be made available to personnel of the Department for inspection.

(g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements of this Section at his own cost.

(h) No person shall falsify any information required by a rule in this Ordinance or a permit issued under Article 1. No person shall knowingly submit any falsified information required by a rule in this Ordinance or a permit issued under Article 1.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215-65; 143-215.66;  
143-215.1078(a)(4);  
Eff. February 1, 1976;  
Amended Eff. January 1, 2007; April 1, 1999; July 1, 1984; June 18, 1976.*

## **2.0606 SOURCES COVERED BY APPENDIX P OF 40 CFR PART 51**

(a) The following sources shall be monitored as described in Paragraph 2 of Appendix P of 40 CFR Part 51:

- (1) fossil fuel-fired steam generators,
- (2) nitric acid plants,
- (3) sulfuric acid plants, and
- (4) petroleum refineries.

Sources covered by MCAPCO Regulation 2.0524 - "New Source Performance Standards" are exempt from this Regulation.

(b) The monitoring systems required under Paragraph (a) of this Regulation shall meet the minimum specifications described in Paragraphs 3.3 through 3.8 of Appendix P of 40 CFR Part 51.

(c) The excess emissions recorded by the monitoring systems required to be installed under this Regulation shall be reported no later than 30 days after the end of the quarter to the Department in the manner described in Paragraphs 4 and 5.1 through 5.3.3 of Appendix P of 40 CFR Part 51 except that a six-minute time period is deemed as an appropriate alternative opacity averaging

period as described in Paragraph 4.2 of Appendix P of 40 CFR Part 51. The owner or operators of any sources subject to this Regulation that are required to monitor emissions of sulfur dioxide or nitrogen oxides under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the sulfur dioxide emission standard in MCAPCO Regulation 2.0516 - "Sulfur Dioxide Emissions from Combustion Sources" and the nitrogen oxide emission standard in MCAPCO Regulation 2.0519 - "Control of Nitrogen Dioxide and Nitrogen Oxides Emissions" or MCAPCO Section 2.1400 - "Nitrogen Oxides" with a continuous emission monitoring system. Compliance with sulfur dioxide and nitrogen oxide emission standards are determined by averaging hourly continuous emission monitoring system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average hourly values are summed, and the sum is divided by 24. A minimum of four data points, equally spaced, is required to determine a valid hour value unless the continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75, the minimum number of data points are determined by 40 CFR Part 75.

(d) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur dioxide, the test methods described in Section 2.2600 of this Article shall be used except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined sampling the fuel as fired if the owner or operator demonstrates to the Director that sampling as fired provides a more accurate estimation of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily sample, and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in Section 2.2600 of this Article. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

(e) Wherever the language of the referenced portion of Appendix P of 40 CFR Part 51 speaks of the "state" or "state plan", the requirements described in Appendix P of 40 CFR Part 51 apply to those sources to which the requirements pertain.

(f) The owner or operator of the source shall conduct a daily zero and span check of the continuous opacity monitoring system following the manufacturer's recommendations and shall comply with the requirements of MCAPCO Regulation 2.0613 - "Quality Assurance Program".

(g) The owner or operator of the source may request to use a different procedure or methodology than that required by this Regulation if one of the conditions identified in 40 CFR Part 51,

Appendix P, Section 3.9 exists. The person requesting to use a different procedure or methodology shall submit the request to the Director along with a description of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology required by this Regulation will not work, and a showing that the proposed procedure or methodology is equivalent to the procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if he finds that one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure or methodology required by this Regulation will not work, and that the proposed procedure or methodology is equivalent to the procedure or methodology that it will replace.

(h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

- (1) for fuel analysis per shipment:
  - (A) the quantity and type of fuels burned,
  - (B) the Btu value,
  - (C) the sulfur content in percent by weight, and
  - (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.
- (2) for continuous monitoring of emissions:
  - (A) the daily calculated sulfur dioxide and nitrogen oxide emission rates expressed in the same units as the applicable standard for each day, and
  - (B) other information required under Appendix P of 40 CFR Part 51.

(i) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 6.

(j) If emission testing for compliance with the nitrogen oxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 7.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4); Eff. February 1, 1976;*

*Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; May 1, 1985; July 1, 1983; December 1, 1976; June 18, 1976.*

## **2.0607 LARGE WOOD AND WOOD-FOSSIL FUEL COMBINATION UNITS**

(a) This Regulation applies to wood-fired steam generator units with a heat input from wood fuels (or the sum of the heat inputs from wood fuels and liquid or solid fossil fuels for generators not covered by MCAPCO Regulations 2.0524 - "New Source Performance Standards" or 2.0606 - "Sources Covered by Appendix P of 40 CFR Part 51") that exceeds 250 million Btu per hour and with an annual average capacity factor greater than 30 percent as demonstrated to the Director by the owner or operator of the source.

(b) The owner or operator of a wood-fired steam generator unit covered under this Regulation

shall install, calibrate, maintain, and operate, as specified in 40 CFR Part 60 Appendix B Performance Specification 1, opacity continuous emission monitoring systems on all stacks discharging the flue gases from one or more steam generator units covered under this Regulation.

(c) The owner or operator of the source shall conduct a daily zero and span check of the opacity continuous emission monitoring system following the manufacturer's recommendations and shall comply with the requirements of MCAPCO Regulation 2.0613 - "Quality Assurance Program".

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66;  
143-215.107(a)(5);  
Eff. February 1, 1976;  
Amended Eff. July 1, 1999; July 1, 1984; June 18, 1976.

## **2.0608 OTHER LARGE COAL OR RESIDUAL OIL BURNERS**

(a) The owner or operator of any fuel burning unit shall determine sulfur dioxide emissions into the ambient air if the unit:

- (1) burns coal or residual oil;
- (2) is not required to monitor sulfur dioxide emissions by MCAPCO Regulations 2.0524 – "New Source Performance Standards" or 2.0606 - "Sources Covered by Appendix P of 40 CFR Part 51";
- (3) has a total heat input of more than 250 million Btu per hour from coal and residual oil; and
- (4) has an annual average capacity factor greater than 30 percent as determined from the three most recent calendar year reports to the Federal Power Commission or as otherwise demonstrated to the Director by the owner or operator. (If the unit has not been in existence for three calendar years, its three-calendar-year average capacity factor shall be determined by estimating its annual capacity factors for enough future years to allow a three-calendar-year average capacity factor to be computed. If this three-calendar-year average capacity factor exceeds 30 percent, the unit shall be monitored. If this three-calendar-year average capacity factor does not exceed 30 percent, the unit need not be monitored.)

(b) Once the unit is being monitored in accordance with Paragraph (a) of this Regulation, it shall continue to be monitored until its most recent three-calendar-year average capacity factor does not exceed 25 percent. Once the unit is not being monitored in accordance with Subparagraph (a) of this Regulation, it need not be monitored until its most recent three-calendar-year average capacity factor exceeds 35 percent.

(c) If units required to be monitored have a common exhaust or if units required to be monitored have a common exhaust with units not required to be monitored, then the common exhaust may be monitored, and the sulfur dioxide emissions need not be apportioned among the units with the common exhaust.



- (d) The owner or operator of the source shall determine sulfur dioxide emissions by:
  - (1) an instrument for continuous monitoring and recording of sulfur dioxide emissions,  
or
  - (2) analyses of representative samples of fuels to determine Btu value and percent sulfur content.
  
- (e) The owner or operators of any sources subject to this Regulation that are required to monitor emissions of sulfur dioxide under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the sulfur dioxide emission standard in MCAPCO Regulation 2.0516 - "Sulfur Dioxide Emissions from Combustion Sources" with a continuous emission monitoring system. Compliance with sulfur dioxide emission standards is determined by averaging hourly continuous emission monitoring system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average hourly values are summed, and the sum is divided by 24. A minimum of four data points, equally spaced, is required to determine a valid hour value unless the continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75, the minimum number of data points are determined by 40 CFR Part 75.
  
- (f) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur dioxide, then:
  - (1) for coal, the test methods described in Section 2.2600 of this Article shall be used except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined sampling the fuel as fired if the owner or operator demonstrates to the Director that sampling as fired provides a more accurate estimation of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily sample, and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in Section 2.2600 of this Article. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.
  - (2) for residual oil, the test methods described in Section 2.2600 of this Article shall be used except that sulfur content shall be determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined sampling the fuel as fired if the owner or operator demonstrates to the Director that sampling as fired provides a more accurate estimation of sulfur dioxide

emissions than sampling each shipment. If sulfur dioxide emissions are determined sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily sample, and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in Section 2.2600 of this Article. Residual oil shall be collected in accordance with ASTM D4177 or D4057.

(g) The owner or operator of the source may request to use a different procedure or methodology than that required by this Regulation if one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists. The person requesting to use a different procedure or methodology shall submit the request to the Director along with a description of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology required by this Regulation will not work, and a showing that the proposed procedure or methodology is equivalent to the procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if he finds that one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure or methodology required by this Regulation will not work, and that the proposed procedure or methodology is equivalent to the procedure or methodology that it will replace.

(h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

- (1) for fuel analysis per shipment:
  - (A) the quantity and type of fuels burned,
  - (B) the Btu value,
  - (C) the sulfur content in percent by weight, and
  - (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.
- (2) for continuous monitoring of emissions:
  - (A) the daily calculated sulfur dioxide emission rates expressed in the same units as the applicable standard for each day, and
  - (B) other information required under Appendix P of 40 CFR Part 51.

(i) The owner or operator of the source shall conduct a daily zero and span check of the continuous emission monitoring system following the manufacturer's recommendations and shall comply with the requirements of MCAPCO Regulation 2.0613 - "Quality Assurance Program".

(j) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, Method 6.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4); Eff. June 18, 1976;  
Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984.*

**2.0609 MONITORING CONDITION IN PERMIT  
(REPEALED BY STATE PRIOR TO LOCAL ADOPTION)**

**2.0610 DELEGATION FEDERAL MONITORING REQUIREMENTS**

(a) The owner or operator of sources subject to monitoring, recordkeeping, or reporting requirements contained in:

- (1) 40 CFR Part 60, New Source Performance Standards (NSPS);
- (2) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP);
- (3) 40 CFR Part 63, Maximum Achievable Control Technology (MACT); or
- (4) 40 CFR Part 75, Acid Rain;

shall comply with these requirements.

(b) An air pollutant from sources covered under Paragraph (a) of this Regulation for which monitoring is not required under Paragraph (a) of this Regulation shall comply with the requirements covered in MCAPCO Regulation 2.0611 - "Monitoring Emissions From Other Sources" if the pollutant from this source is subject to an emission standard.

(c) Sources that are not subject to any monitoring, recordkeeping, or reporting requirements contained in Paragraph (a) of this Regulation shall comply with the requirements contained in MCAPCO Regulation 2.0611 - "Monitoring Emissions From Other Sources". The Director is authorized to exercise all functions necessary to administer this Section and to delegate any or all such functions, except that he shall not delegate below the level of Program Manager.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4); 143-215.65; 143-215.66; 143-215.107(a)(4);  
Eff. June 18, 1976;  
Amended Eff. April 1, 1999; July 1, 1984.*

## **2.0611 MONITORING EMISSIONS FROM OTHER SOURCES**

(a) This Regulation applies to sources or air pollutants, including toxic air pollutants, from sources that are not covered under MCAPCO Regulations 2.0606 - "Sources Covered by Appendix P of 40 CFR Part 51", 2.0607 - "Large Wood and Wood-Fossil Fuel Combination Units", 2.0608 - "Other Large Coal or Residual Oil Burners", or 2.0610 - "Delegation Federal Monitoring Requirements" Paragraph (a).

(b) The owner or operator of a source shall maintain records of production rates, throughputs, material usage, and other process operational information as is necessary to determine compliance with the facility's permit and all applicable requirements. The Director shall specify in the facility's permit according to MCAPCO Regulation 2.0605 - "General Recordkeeping and Reporting Requirements" the types of records that the owner or operator shall maintain.

(c) If the Director finds that the records maintained under Paragraph (b) of this Regulation are inadequate to determine compliance with the facility's permit and all applicable requirements, the Director may require the owner or operator to use monitoring instruments. If the Director determines that monitoring instruments are necessary to demonstrate compliance with Regulations of this Ordinance or with an emission standard or permit condition, the owner or operator of a source shall:

- (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate compliance with the emission standards of this Ordinance;
- (2) comply with the requirements of MCAPCO Regulation 2.0613 - "Quality Assurance Program";  
and
- (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to comply with Subparagraph (1) of this Paragraph that will document the compliance status of the sources or control equipment.

(d) If the Director determines that monitoring instruments are necessary to demonstrate good operation and maintenance, the owner or operator of a source shall:

- (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate good operation and maintenance;
- (2) comply with the requirements of MCAPCO Regulation 2.0613 - "Quality Assurance Program" unless otherwise specified in any other applicable Regulation including 40 CFR Part 75 and 40 CFR 60.13. The Director may find that compliance with the quality assurance provisions of 40 CFR Part 51, Appendix P, is adequate to assure the quality of the data;  
and
- (3) maintain, in writing, data and reports of any monitoring instruments or procedures

necessary to comply with Subparagraph (1) of this Paragraph that will document that good operation and maintenance is being achieved.

*History Note* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66;  
143-215.107(a)(4);  
Eff. April 1, 1999.

## **2.0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES**

(a) With the exceptions in Paragraph (b) of this Regulation, the owner or operator of a source may petition the Director to allow monitoring or data reporting procedures varying from those prescribed by a Regulation of this Ordinance. When petitioning for alternative monitoring or data reporting procedures, the owner or operator shall follow the procedures of Paragraph (c) of this Regulation.

(b) This Regulation does not apply to monitoring or reporting requirements of 40 CFR Part 60, 61, 63, or 75.

(c) When petitioning to use alternative monitoring or data reporting procedures in place of those procedures in MCAPCO Regulations 2.0606 - "Sources Covered By Appendix P of 40 CFR Part 51", 2.0607 - "Large Wood and Wood-Fossil Fuel Combination Units", or 2.0608 - "Other Large Coal or Residual Oil Burners" or in MCAPCO Sections 2.0900 - "Volatile Organic Compounds", 2.1200 - "Control of Emissions from Incinerators", or 2.1400 - "Nitrogen Oxides", the owner or operator of the source shall submit a written petition to the Director that shall include:

- (1) the name and address of the company and the name and telephone number of a principal executive officer specified in MCAPCO Regulation 1.5212 - "Applications" Paragraph (h) or a responsible official specified in MCAPCO Regulation 1.5520 - "Certification by Responsible Official" over whose signature the petition is submitted;
- (2) a description of the sources at the facility to which the petition applies;
- (3) identification of the Regulation or Regulations for which the alternative is sought;
- (4) the basis or reason that the alternative monitoring and reporting procedure is more desirable than those prescribed by the Regulation;
- (5) a proposal of the alternative monitoring and reporting procedure;
- (6) a demonstration that the alternative procedure is at least as accurate as that prescribed by the Regulation;
- (7) a showing that one or more of the following conditions exist:
  - (A) a continuous monitoring system or other device prescribed by the Regulation would not provide accurate determinations of emissions;
  - (B) the emissions from two or more sources of significantly different design and operating characteristics are combined before release to the atmosphere or the emissions are released to the atmosphere through more than one point;
  - (C) the requirements prescribed by the Regulation would impose an extreme economic burden on the source owner or operator (The determination of an

extreme economic burden shall be made on the basis of whether meeting the requirements prescribed by the Regulation would produce serious hardship without equal or greater benefit to the public);

- (D) the monitoring systems prescribed by the Regulation cannot be installed because of physical limitations at the facility (The determination of such limitations shall be made on the basis of whether meeting the requirements prescribed by the Regulation would necessitate significant reconstruction of the facility); or
- (E) the alternative monitoring or reporting procedure is more accurate and precise than that prescribed by the Regulation;
- (8) any other information that the petitioner believes would be helpful to the Director in evaluating the application.

(d) The Director may require the petitioner to submit other information that the Director considers necessary to evaluate the proposed monitoring or reporting procedures.

(e) The Director may approve the petition for alternative monitoring and reporting procedures if:

- (1) The petition is submitted in accordance with this Regulation and contains all the information required by Paragraph (c) of this Regulation;
- (2) The Director finds the petition satisfies the showing required by Subparagraph (c)(7) of this Regulation;
- (3) The Director finds that the proposed alternative monitoring or data reporting procedures provide information of sufficient quality to determine with reasonable certainty the amount of emissions or the adequacy of the emission control device or practice such that the compliance status of the source can be determined by reviewing this information; and
- (4) The facility is in compliance with, or under a schedule for compliance with, all applicable Air Quality Regulations.

(f) When monitoring or reporting requirements different from those specified in the appropriate Regulation in this Ordinance are approved by the Director, the permit shall contain a condition stating such monitoring or reporting requirements.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4); Eff. April 1, 1999.*

## **2.0613 QUALITY ASSURANCE PROGRAM**

(a) Any person required to operate a monitoring device by this Ordinance shall develop and implement a quality assurance program for the monitoring device.

(b) The Director may require the owner or operator of a facility required to operate a monitoring device by this Ordinance to submit a quality assurance program if:

- (1) The maximum actual emission rate is more than 75 percent of the applicable emission standard;
- (2) The facility has violated an emission standard or a permit condition; or
- (3) The facility has failed to obtain quality assured data.

The quality assurance program shall be submitted to the Director within 60 days upon receipt of request.

(c) Except for gaseous continuous emission monitoring systems, the quality assurance program required by Paragraph (a) or (b) of this Regulation shall include, if applicable:

- (1) procedures and frequencies for calibration,
- (2) standards traceability,
- (3) operational checks,
- (4) maintenance,
- (5) auditing,
- (6) data validation, and
- (7) a schedule for implementing the quality assurance program.

Continuous opacity monitoring systems may satisfy the requirements of Paragraph (a) of this Regulation by complying with 40 CFR Part 51, Appendix M, Method 203, as proposed in 57 FR 46114. Except for opacity monitors and gaseous continuous emission monitoring systems, a manufacturer's recommended quality assurance procedure may be used as a quality assurance program if it provides an adequate quality assurance program.

(d) Owners or operators that operate continuous emission monitoring systems for a gaseous pollutant may satisfy the requirements of Paragraphs (a) or (b) of this Regulation by developing and implementing a written quality assurance program containing information required by 40 CFR Part 60, Appendix F, Section 3, Quality Assurance Procedures.

(e) The owner or operator of a facility shall certify all opacity and gaseous continuous emission monitoring systems following applicable performance specifications in 40 CFR Part 60, Appendix B, within 60 days of monitor installation unless otherwise specified in permit or any other applicable Regulations. The owner or operator of a facility required to install an opacity or gaseous continuous emission monitoring system shall notify the Director at least 60 days before installation unless otherwise specified in permit or in 40 CFR Part 60, 61, 63, or 75. The notification shall include plans or schematic diagrams of the proposed monitor location.

(f) Quality assurance programs for ambient monitors shall comply with the requirements in 40 CFR Part 58.

(g) A quality assurance program shall be available on-site for inspection within 30 days of monitor certification.

(h) The Director shall approve the quality assurance program within 30 days of submittal if he finds that the quality assurance program will assure that the precision and accuracy of the data for the pollutants being measured are within the design limits of the instruments being used. If the Director finds that the proposed quality assurance program does not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in the proposed quality assurance program. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66;  
143-215.107(a)(4);  
Eff. April 1, 1999.*

## **2.0614 COMPLIANCE ASSURANCE MONITORING**

(a) General Applicability. With the Exception of Paragraph (b) of this Regulation, the requirements of this Part shall apply to a pollutant-specific emissions unit at a facility required to obtain a permit under MCAPCO Section 1.5500 - "Title V Procedures" if the unit satisfies all of the following criteria:

- (1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under Subparagraph (b)(1) of this Regulation;
- (2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
- (3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this Subparagraph, "potential pre-control device emissions" means the same as "potential emissions", as defined in MCAPCO Regulation 1.5102 - "Definition of Terms", except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) Exemptions.

- (1) Exempt emission limitations or standards. The requirements of this Regulation shall not apply to any of the following emission limitations or standards:
  - (A) emission limitations or standards proposed by the Administrator of the Environmental Protection Agency after November 15, 1990 pursuant to Section 111 or 112 of the federal Clean Air Act;
  - (B) stratospheric ozone protection requirements under Title VI of the federal Clean Air Act;



- (C) Acid Rain Program requirements pursuant to Sections 404, 405, 406, 407(a), 407(b), or 410 of the federal Clean Air Act;
  - (D) emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved under this Ordinance and that are incorporated in a permit issued under MCAPCO Section 1.5500 - "Title V Procedures";
  - (E) an emissions cap that is approved under the Regulations of this Ordinance and incorporated in a permit issued under MCAPCO Section 1.5500 - "Title V Procedures";
  - (F) emission limitations or standards for which a permit issued under MCAPCO Section 1.5500 - "Title V Procedures" specifies a continuous compliance determination method, as defined in 40 CFR 64.1. (This exemption shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this exemption would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage);
- (2) Exemption for backup utility power emissions units. The requirements of this Regulation shall not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally-owned if the owner or operator provides documentation in a permit application submitted under MCAPCO Section 1.5500 - "Title V Procedures" that:
- (A) The utility unit is exempt from all monitoring requirements in 40 CFR Part 75 (including the appendices thereto);
  - (B) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
  - (C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50 tons per year and are expected to remain so.

(c) For the purposes of this Regulation, the definitions in 40 CFR 64.1 shall apply with the following exceptions:

- (1) **"Applicable requirement"** and **"regulated air pollutant"** shall have the same definition as in MCAPCO Regulation 1.5102 - "Definition of Terms".
- (2) **"Part 70 or 71 permit application"** means an application (including any supplement to a previously submitted application) submitted by the owner or operator to obtain a permit under MCAPCO Section 1.5500 - "Title V Procedures".

- (3) **“Part 70 or 71 permit”** means a permit issued under MCAPCO Section 1.5500 - “Title V Procedures”.
- (4) **“Permitting authority”** means Mecklenburg County Air Quality.

(d) The owner or operator subject to the requirements of this Regulation shall comply with these requirements:

- (1) 40 CFR 64.3, Monitoring Design Criteria;
- (2) 40 CFR 64.4, Submittal Requirements;
- (3) 40 CFR 64.5, Deadlines for Submittals;
- (4) 40 CFR 64.7, Operation of Approved Monitoring; and
- (5) 40 CFR 64.9, Reporting and Recordkeeping Requirements.

(e) The Department shall follow the procedures and requirements in 40 CFR Part 64.6, Approval of Monitoring, in reviewing and approving or disapproving monitoring plans and programs submitted under this Regulation.

(f) Based on the result of a determination made under 40 CFR 64.7(d)(2), the Director may require the owner or operator to develop and implement a quality improvement plan. If a quality improvement plan is required, the quality improvement plan shall be developed and implemented according to the procedures and requirements of 40 CFR 64.8, Quality Improvement Plan (QIP) Requirements.

(g) Nothing in this Regulation shall:

- (1) excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements. The requirements of this Regulation shall not be used to justify the approval of monitoring less stringent than the monitoring that is required under another Regulation in this Ordinance or Title 40 of the CFR and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under another Regulation in this Ordinance or Title 40 of the CFR. The purpose of this Regulation is to require, as part of the issuance of a permit under MCAPCO Section 1.5500 - “Title V Procedures”, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this Regulation;
- (2) restrict or abrogate the authority of the Department to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of this Ordinance or the General Statutes;
- (3) restrict or abrogate the authority of the Department to take any enforcement action for any violation of an applicable requirement; or
- (4) restrict the authority of the Administrator of the Environmental Protection Agency or of any person to take action under Section 304 of the federal Clean Air Act as stated under 40 CFR 64.10.

*History Note:* Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66;  
143-215.107(a)(4);  
Eff. April 1, 1999;  
*Ammended Eff. January 1, 2009*

## **2.0615 DELEGATION**

The Director may delegate his administrative and approval functions under this Section to the Air Quality Program Manager as he considers appropriate.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);  
Eff. April 1, 1999.